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MAY 22 2007 08

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JANICE LOWE,

Plaintiff,

v.

CITY OF SEATTLE and OFFICER DAVID
DUNN,

Defendants.

CV 07-0784 JCC

King County Superior Court
Cause No. 07-2-11484-0SEA

VERIFICATION OF STATE
COURT RECORDS

VERIFICATION

The undersigned hereby declares the following:

1. The undersigned are counsel of record for Defendants City of Seattle and Officer David Dunn.

2. Pursuant to CR 101(b), attached are true and correct copies of all records and proceedings in the Superior Court of King County, Washington in the above-entitled action, Cause No. 07-2-11484-0SEA:



07-CV-00784-MISC

VERIFICATION OF STATE
COURT RECORDS- 1
3019-28795 185651

STAFFORD FREY COOPER

PROFESSIONAL CORPORATION
601 Union Street, Suite 3100
Seattle WA 98101.1374
TEL 206.623.9900 FAX 206.624.6005

| <u>Exhibit</u> | <u>Document</u> |
|----------------|--|
| 1 | Case Information Cover Sheet Case Assignment Designation Plaintiff's Complaint for Damages |
| 2 | Order Setting Civil Case Schedule |
| 3 | Summons |
| 4 | Affidavit of Service of Summons and Complaint Defendant City of Seattle |
| 5 | Notice of Appearance Defendant City of Seattle |
| 6 | King County Superior Court Docket 06-2-29180-8 KNT |

DATED this 22nd day of May, 2007 at Seattle, Washington.

STAFFORD FREY COOPER
Professional Corporation

By: 

Stephen P. Larson, WSBA #4959
Thomas P. Larkin II, WSBA #32990
Attorneys for Defendants City of Seattle and
Officer David Dunn

Certificate of Service

The undersigned certifies under the penalty of perjury according to the laws of the United States and the State of Washington that on this date I caused to be served in the manner noted below a copy of this document entitled **VERIFICATION OF STATE COURT RECORDS** on the following individual:

Charles S. Hamilton III, WSBA #5648
Suite 940
1325 Fourth Avenue
Seattle, WA 98101-2509
206/623-6619
FAX: 206/448-0573
E-MAIL: cshamiltoniii@qwest.net

Attorneys for Plaintiff

☐ Via Facsimile
☐ Via First Class Mail
☒ Via Messenger

DATED this 22nd day of May, 2007, at Seattle, Washington.



Dori M. Mashburn
Paralegal to Stephen Larson, Anne
Bremner and Ted Buck

Exhibit 1

Verification of State Court Records
Janice Lowe v. City of Seattle and Officer David Dunn

FILED

FILED
07 APR -6 PM 1:30
KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

KING COUNTY SUPERIOR COURT
BARBARA MINER
DIRECTOR & SUPERIOR CT CLERK
SEATTLE WA

07-2-11484-0

| Recpt. Date | Acct. Date | Time |
|-------------|------------|----------|
| 04/06/2007 | 04/06/2007 | 01:40 PM |

| Receipt/Item # | Tran-Code | Docket-Code |
|------------------|-----------|-------------|
| 2007-02-03714/01 | 1100 | \$FFR |

Cashier: RMB

KING COUNTY SUPERIOR COURT
CASE ASSIGNMENT DESIGNATION
and
CASE INFORMATION COVER SHEET
(cics)

Paid By: Charles Hamilton, atty
Transaction Amount: \$200.00

In accordance with LR82(e), a faulty document fee of \$15 will be assessed to new case filings missing this sheet pursuant to King County Code 4.71.100.

07-2-11484-0 SEA

CASE NUMBER: _____

CASE CAPTION: _____

I certify that this case meets the case assignment criteria, described in King County LR 82(e), for the:

X Seattle Area, defined as:

All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; and all of Vashon and Maury Islands.

_____ Kent Area, defined as:

All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

Signature of Petitioner/Plaintiff

or

Signature of Attorney for
Petitioner/Plaintiff

5648
WSBA Number

Date

4/5/07
Date

ORIGINAL

**KING COUNTY SUPERIOR COURT
CASE ASSIGNMENT DESIGNATION**

and

CASE INFORMATION COVER SHEET

Please check one category that best describes this case for indexing purposes. Accurate case indexing not only saves time but helps in forecasting judicial resources. A faulty document fee of \$15 will be assessed to new case filings missing this sheet pursuant to Administrative Rule 2 and King County Code 4.71.100.

APPEAL/REVIEW

- ☐ Administrative Law Review (ALR 2)*
- ☐ DOL Implied Consent—Test Refusal—only RCW 46.20.308 (DOL 2)*
- ☐ DOL- all other appeals (ALR 2)*

CONTRACT/COMMERCIAL

- ☐ Breach of Contract (COM 2)*
- ☐ Commercial Contract (COM 2)*
- ☐ Commercial Non-Contract (COL 2)*
- ☐ Mercetracious Relationship (MER 2)*
- ☐ Third Party Collection (COL 2)*

DOMESTIC RELATIONS

- ☐ Annulment/Invalidity (INV3)*
with dependent children? Y / N; wife pregnant? Y / N
- ☐ Child Custody (CUS 3)*
- ☐ Nonparental Custody (CUS 3)*
- ☐ Dissolution With Children (DIC 3)*
- ☐ Dissolution With No Children (DIN 3)*
wife pregnant? Y / N
- ☐ Enforcement/Show Cause- Out of County (MSC 3)
- ☐ Establish Residential Sched/Parenting Plan(PPS 3)* **
- ☐ Establish Supprt Only (PPS 3)* **
- ☐ Legal Separation (SEP 3)*
with dependent children? Y / N; wife pregnant? Y / N
- ☐ Mandatory Wage Assignment (MWA 3)
- ☐ Modification (MOD 3)*
- ☐ Modification - Support Only (MDS 3)*
- ☐ Out-of-state Custody Order Registration (FJU 3)
- ☐ Out-of-State Support Court Order Registration (FJU 3)
- ☐ Reciprocal, Respondent Out of County (ROC 3)
- ☐ Reciprocal, Respondent in County (RIC 3)
- ☐ Relocation Objection/Modification (MOD 3)*

ADOPTION/PATERNITY

- ☐ Adoption (ADP 5)
- ☐ Challenge to Acknowledgment of Paternity (PAT 5)*
- ☐ Challenge to Denial of Paternity (PAT 5)*
- ☐ Confidential Intermediary (MSC 5)
- ☐ Establish Parenting Plan-Existing King County Paternity (MSC 5)*
- ☐ Initial Pre-Placement Report (PPR 5)
- ☐ Modification (MOD 5)*
- ☐ Modification-Support Only (MDS 5)*
- ☐ Paternity, Establish/Disestablish (PAT 5)*
- ☐ Paternity/UIFSA (PUR 5)*
- ☐ Out-of-State Custody Order Registration (FJU 5)
- ☐ Out-of-State Support Order Registration (FJU5)
- ☐ Relinquishment (REL 5)
- ☐ Relocation Objection/Modification (MOD 5)*
- ☐ Rescission of Acknowledgment of Paternity (PAT 5)*
- ☐ Rescission of Denial of Paternity (PAT 5)*
- ☐ Termination of Parent-Child Relationship (TER 5)

DOMESTIC VIOLENCE/ANTIHARASSMENT

- ☐ Civil Harassment (HAR 2)
- ☐ Confidential Name Change (CIN 5)
- ☐ Domestic Violence (DVP 2)
- ☐ Domestic Violence with Children (DVC 2)
- ☐ Foreign Protection Order (FPO 2)
- ☐ Vulnerable Adult Protection (VAP 2)

** Paternity Affidavit or Existing/Paternity is not an issue and NO other case exists in King County* The filing party will be given an appropriate case schedule. ** Case schedule will be issued after hearing and findings.

**KING COUNTY SUPERIOR COURT
CASE ASSIGNMENT DESIGNATION**

and

CASE INFORMATION COVER SHEET

Please check one category that best describes this case for indexing purposes. Accurate case indexing not only saves time but helps in forecasting judicial resources. A faulty document fee of \$15 will be assessed to new case filings missing this sheet pursuant to Administrative Rule 2 and King County Code 4.71.100.

PROPERTY RIGHTS

- ☐ Condemnation/Eminent Domain (CON 2)*
- ☐ Foreclosure (FOR 2)*
- ☐ Land Use Petition (LUP 2)*
- ☐ Property Fairness (PFA 2)*
- ☐ Quiet Title (QTI 2)*
- ☐ Unlawful Detainer (UND 2)

JUDGMENT

- ☐ Confession of Judgment (MSC 2)*
- ☐ Judgment, Another County, Abstract (ABJ 2)
- ☐ Judgment, Another State or Country (FJU 2)
- ☐ Tax Warrant (TAX 2)
- ☐ Transcript of Judgment (TRJ 2)

OTHER COMPLAINT/PETITION

- ☐ Action to Compel/Confirm Private Binding Arbitration (MSC 2)
- ☐ Certificate of Rehabilitation (MSC 2)
- ☐ Change of Name (CHN 2)
- ☐ Deposit of Surplus Funds (MSC 2)
- ☐ Emancipation of Minor (EOM 2)
- ☐ Frivolous Claim of Lien (MSC 2)
- ☐ Injunction (INJ 2)*
- ☐ Interpleader (MSC 2)
- ☐ Malicious Harassment (MHA 2)*
- ☐ Non-Judicial Filing (MSC 2)
- ☐ Other Complaint/Petition (MSC 2)*
- ☐ Seizure of Property from the Commission of a Crime (SPC 2)*
- ☐ Seizure of Property Resulting from a Crime (SPR 2)*
- ☐ Structured Settlements (MSC 2)*
- ☐ Subpoena (MSC 2)

PROBATE/GUARDIANSHIP

- ☐ Absentee (ABS 4)
- ☐ Disclaimer (DSC4)
- ☐ Estate (EST 4)
- ☐ Foreign Will (FNW 4)
- ☐ Guardian (GDN4)
- ☐ Limited Guardianship (LGD 4)
- ☐ Minor Settlement (MST 4)
- ☐ Notice to Creditors—Only (NNC 4)
- ☐ Trust (TRS 4)
- ☐ Trust Estate Dispute Resolution Act/POA (TDR 4)
- ☐ Will Only—Deceased (WLL4)

TORT, MEDICAL MALPRACTICE

- ☐ Hospital (MED 2)*
- ☐ Medical Doctor (MED 2)*
- ☐ Other Health Care Professional (MED 2)*

TORT, MOTOR VEHICLE

- ☐ Death (TMV 2)*
- ☐ Non-Death Injuries (TMV 2)*
- ☐ Property Damage Only (TMV 2)*

TORT, NON-MOTOR VEHICLE

- ☐ Asbestos (PIN 2)**
- ☐ Implants (PIN 2)
- ☐ Other Malpractice (MAL 2)*
- ☒ Personal Injury (PIN 2)*
- ☐ Products Liability (TTO 2)*
- ☐ Property Damage (PRP 2)*
- ☐ Wrongful Death (WDE 2)*
- ☐ Tort, Other (TTO 2)*

WRIT

- ☐ Habeas Corpus (WHC 2)
- ☐ Mandamus (WRM 2)**
- ☐ Review (WRV 2)**

* The filing party will be given an appropriate case schedule. ** Case schedule will be issued after hearing and findings.

FILED
07 APR -6 PM 1:30
KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
COUNTY OF KING

JANICE LOWE,

Plaintiff,

v.

CITY OF SEATTLE and D. DUNN, Seattle Police
Officer,

Defendants.

07-2-11484-0 SEA
NO.

COMPLAINT FOR DAMAGES

CHERYL B. CAREY

COMES NOW Janice Lowe, Plaintiff, and respectfully sets forth her Complaint for
Damages against these Defendants in a manner as follows:

I. PARTIES

I.1 Plaintiff Janice Lowe was at relevant times over the age of eighteen years. At
relevant times she resided in the City of Seattle.

I.2 Defendant City of Seattle is an entity which can be sued in the same manner
as a private person. It was at all times responsible for the acts and omissions of the Seattle
Police Department, including Defendant D. Dunn.

I.3 Defendant D. Dunn was at relevant times employed by the City of Seattle as a
police officer. He is sued in his official and individual capacities.

II. JURISDICTION AND VENUE

II.1 The Court has jurisdiction of the parties and subject matter herein.

COMPLAINT FOR DAMAGES - 1 -

ORIGINAL

LAW OFFICE OF
CHARLES S. HAMILTON III
1325 4TH AVENUE, SUITE 940
SEATTLE, WASHINGTON 98101-2509
TEL: (206)623-6619 FAX: (206)448-0573

1 II.2 Venue of this action properly lies in King County, Washington, the site of the
2 alleged tortious acts.

3 III. FACTS GIVING RISE TO LIABILITY

4 III.1 On or about July 16, 2004, Plaintiff was arrested by Seattle police officers,
5 including Defendant Dunn. She was taken to Harborview Medical Center for a
6 psychological evaluation. The basis for the arrest was a claim that she had assaulted another
7 person. In the course of arresting her, Seattle police officers destroyed portions of her motor
8 vehicle. A TASER weapon was employed. After being taken to Harborview, she was
9 transported by the City of Seattle to the King County Jail where she remained confined for a
10 substantial period of time. She was charged with commission of the crimes of assault and
11 obstructing a law enforcement officer. Those charges were eventually dismissed in favor of
12 Janice Lowe. In the course of that prosecution, a "No Contact Order" was entered preventing
13 Janice Lowe from having contact with her mother, Gloria.
14

15 III.2 Plaintiff was at all times suffering from a mental disability recognized by
16 Washington's Law Against Discrimination. The City of Seattle failed to recognize and
17 accommodate that disability.
18

19 III.3. The acts of Defendants constituted an assault and battery.

20 III.4. The acts and omissions of Defendants constituted negligence.

21 III.5 The acts and omissions of Defendants constituted the use of excessive force
22 and violations of Plaintiff's 4th and 14th Amendment rights secured by the United States
23 Constitution, in violation of 42 USCS § 1983.
24

25 III.6. The acts of Defendants constituted a violation of the Washington's Law
26 Against Discrimination, Chapter 49.60 RCW.

1 III.7. The acts of Defendants constituted the tort of malicious prosecution.

2 III.8. As a proximate result of the wrongful acts of Defendants, Plaintiff has suffered
3 loss of enjoyment of life, pain and suffering, and injuries and damages generally in an
4 amount which will be determined at time of trial. Her injuries and damages are ongoing.

5
6 **IV. WAIVER OF PATIENT-PHYSICIAN PRIVILEGE**

7 Plaintiff hereby notes her intent to waive the physician-patient privilege insofar as
8 waiver is required by the terms of RCW 5.60.060(4)(b). The said waiver shall extend no farther
9 than is required by the said statute. The waiver shall take effect on the 89th day following the
10 filing of this lawsuit.

11 **V. PRAYER FOR RELIEF**

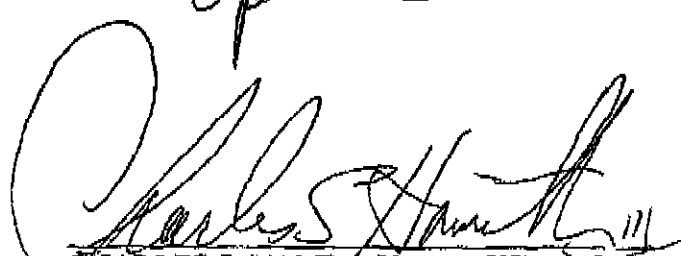
12 WHEREFORE, having fully set forth her Complaint for Damages against these
13 Defendants, Plaintiff respectfully prays for the following relief:

14
15 1. That a money judgment be entered in favor of Plaintiff and against each
16 Defendant in an amount which will fully and fairly compensate her for her injuries and
17 damages sustained herein;

18 2. That Plaintiff be awarded all taxable costs and disbursements in this action,
19 including statutory and reasonable attorney's fees as permitted by 42 USC § 1983 and RCW
20 49.60.030;

21 3. That the Court award Plaintiff such other relief as it deems to be fair and
22 equitable in the circumstances of the case.
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1 DATED this 5th day of April, 2007.

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CHARLES S. HAMILTON, III, WSBA #5648

Attorney for Plaintiff

Exhibit 2

Verification of State Court Records
Janice Lowe v. City of Seattle and Officer David Dunn

FILED
 07 APR -6 PM 1:20
 KING COUNTY
 SUPERIOR COURT CLERK
 SEATTLE, WA.

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
 IN AND FOR THE COUNTY OF KING**

Janice Lowe

NO. 07-2-11484-0 SEA

Order Setting Civil Case Schedule (*ORSCS)

vs

Plaintiff(s)

City Of Seattle, et al

ASSIGNED JUDGE Carey 2

FILE DATE: 04/06/2007

Defendant(s)

TRIAL DATE: 09/22/2008

A civil case has been filed in the King County Superior Court and will be managed by the Case Schedule on Page 3 as ordered by the King County Superior Court Presiding Judge.

I. NOTICES

NOTICE TO PLAINTIFF: The Plaintiff may serve a copy of this **Order Setting Case Schedule (Schedule)** on the Defendant(s) along with the **Summons and Complaint/Petition**. Otherwise, the Plaintiff shall serve the **Schedule** on the Defendant(s) within 10 days after the later of: (1) the filing of the **Summons and Complaint/Petition** or (2) service of the Defendant's first response to the **Complaint/Petition**, whether that response is a **Notice of Appearance**, a response, or a Civil Rule 12 (CR 12) motion. The **Schedule** may be served by regular mail, with proof of mailing to be filed promptly in the form required by Civil Rule 5 (CR 5).

"I understand that I am required to give a copy of these documents to all parties in this case."



Print Name

Sign Name

I. NOTICES (continued)

NOTICE TO ALL PARTIES:

All attorneys and parties should make themselves familiar with the King County Local Rules [KCLR] – especially those referred to in this *Schedule*. In order to comply with the *Schedule*, it will be necessary for attorneys and parties to pursue their cases vigorously from the day the case is filed. For example, discovery must be undertaken promptly in order to comply with the deadlines for joining additional parties, claims, and defenses, for disclosing possible witnesses [See KCLR 26], and for meeting the discovery cutoff date [See KCLR 37(g)].

CROSSCLAIMS, COUNTERCLAIMS AND THIRD PARTY COMPLAINTS:

A filing fee of \$200 must be paid when any answer that includes additional claims is filed in an existing case.

SHOW CAUSE HEARINGS FOR CIVIL CASES [King County Local Rule 4(g)]

A Confirmation of Joinder, Claims and Defenses or a Statement of Arbitrability must be filed by the deadline in the schedule. A review of the case will be undertaken to confirm service of the original complaint and to verify that all answers to claims, counterclaims and cross-claims have been filed. If those mandatory pleadings are not in the file, a *Show Cause Hearing* will be set before the Chief Civil or RJC Judge. The Order to Show Cause will be mailed to all parties and designated parties or counsel are required to attend.

PENDING DUE DATES CANCELED BY FILING PAPERS THAT RESOLVE THE CASE:

When a final decree, judgment, or order of dismissal of all parties and claims is filed with the Superior Court Clerk's Office, and a courtesy copy delivered to the assigned judge, all pending due dates in this *Schedule* are automatically canceled, including the scheduled Trial Date. It is the responsibility of the parties to 1) file such dispositive documents within 45 days of the resolution of the case, and 2) strike any pending motions by notifying the bailiff to the assigned judge.

Parties may also authorize the Superior Court to strike all pending due dates and the Trial Date by filing a *Notice of Settlement* pursuant to KCLR 41, and forwarding a courtesy copy to the assigned judge. If a final decree, judgment or order of dismissal of all parties and claims is not filed by 45 days after a *Notice of Settlement*, the case may be dismissed with notice.

If you miss your scheduled Trial Date, the Superior Court Clerk is authorized by KCLR 41(b)(2)(A) to present an *Order of Dismissal*, without notice, for failure to appear at the scheduled Trial Date.

NOTICES OF APPEARANCE OR WITHDRAWAL AND ADDRESS CHANGES:

All parties to this action must keep the court informed of their addresses. When a Notice of Appearance/Withdrawal or Notice of Change of Address is filed with the Superior Court Clerk's Office, parties must provide the assigned judge with a courtesy copy.

ARBITRATION FILING AND TRIAL DE NOVO POST ARBITRATION FEE:

A Statement of Arbitrability must be filed by the deadline on the schedule if the case is subject to mandatory arbitration and service of the original complaint and all answers to claims, counterclaims and cross-claims have been filed. If mandatory arbitration is required after the deadline, parties must obtain an order from the assigned judge transferring the case to arbitration. Any party filing a Statement must pay a \$220 arbitration fee. If a party seeks a trial de novo when an arbitration award is appealed, a fee of \$250 and the request for trial de novo must be filed with the Clerk's Office Cashiers.

NOTICE OF NON-COMPLIANCE FEES:

All parties will be assessed a fee authorized by King County Code 4.71.050 whenever the Superior Court Clerk must send notice of non-compliance of schedule requirements and/or Local Rule 41.

King County Local Rules are available for viewing at www.metrokc.gov/kcsc.

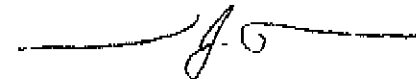
II. CASE SCHEDULE

| CASE EVENT | DEADLINE or EVENT DATE | Filing Needed |
|--|------------------------------|------------------|
| Case Filed and Schedule Issued. | Fri 04/06/2007 | * |
| Confirmation of Service [See KCLR 4.1]. | Fri 05/04/2007 | * |
| Last Day for Filing Statement of Arbitrability without a Showing of Good Cause for Late Filing [See KCLMAR 2.1(a) and Notices on Page 2]. \$220 arbitration fee must be paid | Fri 09/14/2007 | * |
| DEADLINE to file Confirmation of Joinder if not subject to Arbitration. [See KCLR 4.2(a) and Notices on Page 2]. Show Cause hearing will be set if Confirmation is not filed, or if the Confirmation does not have all signatures, or if all answers have not been filed, or judgment on default has not been filed, or Box 2 is checked. | Fri 09/14/2007 | * |
| DEADLINE for Hearing Motions to Change Case Assignment Area. [See KCLR 82(e)]. | Fri 09/28/2007 | |
| DEADLINE for Disclosure of Possible Primary Witnesses [See KCLR 26(b)]. | Mon 04/21/2008 | |
| DEADLINE for Disclosure of Possible Additional Witnesses [See KCLR 26(b)]. | Mon 08/02/2008 | |
| DEADLINE for Jury Demand [See KCLR 38(b)(2)]. | Mon 06/16/2008 | * |
| DEADLINE for Settling Motion for a Change in Trial Date [See KCLR 40(e)(2)]. | Mon 06/16/2008 | * |
| DEADLINE for Discovery Cutoff [See KCLR 37(g)]. | Mon 08/04/2008 | |
| DEADLINE for Engaging in Alternative Dispute Resolution [See KCLR 16(c)]. | Mon 08/25/2008 | |
| DEADLINE for Exchange Witness & Exhibit Lists & Documentary Exhibits [See KCLR 16(a)(4)]. | Tue 09/02/2008 | |
| DEADLINE to file Joint Confirmation of Trial Readiness [See KCLR 18(a)(2)]. | Tue 09/02/2008 | * |
| DEADLINE for Hearing Dispositive Pretrial Motions [See KCLR 56; CR 56]. | Mon 09/08/2008 | |
| Joint Statement of Evidence [See KCLR 16(a)(5)]. | Mon 09/15/2008 | * |
| Trial Date [See KCLR 40]. | Mon 09/22/2008 | |

III. ORDER

Pursuant to King County Local Rule 4 [KCLR 4], IT IS ORDERED that the parties shall comply with the schedule listed above. Penalties, including but not limited to sanctions set forth in Local Rule 4(g) and Rule 37 of the Superior Court Civil Rules, may be imposed for non-compliance. It is FURTHER ORDERED that the party filing this action must serve this Order Setting Civil Case Schedule and attachment on all other parties.

DATED: 04/06/2007



PRESIDING JUDGE

IV. ORDER ON CIVIL PROCEEDINGS FOR ASSIGNMENT TO JUDGE

READ THIS ORDER PRIOR TO CONTACTING YOUR ASSIGNED JUDGE

This case is assigned to the Superior Court Judge whose name appears in the caption of this *Schedule*. The assigned Superior Court Judge will preside over and manage this case for all pre-trial matters.

COMPLEX LITIGATION: If you anticipate an unusually complex or lengthy trial, please notify the assigned court as soon as possible.

The following procedures hereafter apply to the processing of this case:

APPLICABLE RULES:

a. Except as specifically modified below, all the provisions of King County Local Rules 4 through-26 shall apply to the processing of civil cases before Superior Court Judges.

CASE SCHEDULE AND REQUIREMENTS:

A. Show Cause Hearing: A Show Cause Hearing will be held before the Chief Civil/Chief RJC judge if the case does not have confirmation of service on all parties, answers to all claims, crossclaims, or counterclaims as well as the confirmation of joinder or statement of arbitrability filed before the deadline in the attached case schedule. All parties will receive an *Order to Show Cause* that will set a specific date and time for the hearing. Parties and/or counsel who are required to attend will be named in the order.

B. Pretrial Order: An order directing completion of a Joint Confirmation of Trial Readiness Report will be mailed to all parties approximately six (6) weeks before trial. This order will contain deadline dates for the pretrial events listed in King County Local Rule 16:

- 1) Settlement/Mediation/ADR Requirement;
- 2) Exchange of Exhibit Lists;
- 3) Date for Exhibits to be available for review;
- 4) Deadline for disclosure of witnesses;
- 5) Deadline for filing Joint Statement of Evidence;
- 6) Trial submissions, such as briefs, Joint Statement of Evidence, jury instructions;
- 7) voir dire questions, etc;
- 8) Use of depositions at trial;
- 9) Deadlines for nondispositive motions;
- 10) Deadline to submit exhibits and procedures to be followed with respect to exhibits;
- 11) Witnesses – identity, number, testimony;

C. Joint Confirmation regarding Trial Readiness Report: No later than twenty one (21) days before the trial date, parties shall complete and file (with a copy to the assigned judge) a joint confirmation report setting forth whether a jury demand has been filed, the expected duration of the trial, whether a settlement conference has been held, and special problems and needs (e.g. interpreters, equipment), etc. If parties wish to request a CR 16 conference, they must contact the assigned court. Plaintiff/petitioner's counsel is responsible for contacting the other parties regarding said report.

D. Settlement/Mediation/ADR:

1) Forty five (45) days before the Trial Date, counsel for plaintiff shall submit a written settlement demand. Ten (10) days after receiving plaintiff's written demand, counsel for defendant shall respond (with a counteroffer, if appropriate).

2) Twenty eight (28) days before the Trial Date, a settlement/mediation/ADR conference shall have been held. FAILURE TO COMPLY WITH THIS SETTLEMENT CONFERENCE REQUIREMENT MAY

RESULT IN SANCTIONS.

E. Trial: Trial is scheduled for 9:00 a.m. on the date on the *Schedule* or as soon thereafter as convened by the court. The Friday before trial, the parties should access the King County Superior Court website at www.metrokc.gov/kcsc to confirm trial judge assignment. Information can also be obtained by calling (206) 205-5984.

MOTIONS PROCEDURES:

A. Noting of Motions

Dispositive Motions: All Summary Judgment or other motions that dispose of the case in whole or in part will be heard with oral argument before the assigned judge. The moving party must arrange with the courts a date and time for the hearing, consistent with the court rules.

King County Local Rule 7 and King County Local Rule 56 govern procedures for all summary judgment or other motions that dispose of the case in whole or in part. The local rules can be found at www.metrokc.gov/kcsccl.

Nondispositive Motions: These motions, which include discovery motions, will be ruled on by the assigned judge without oral argument, unless otherwise ordered. All such motions must be noted for a date by which the ruling is requested; this date must likewise conform to the applicable notice requirements. Rather than noting a time of day, the *Note for Motion* should state "Without Oral Argument." King County Local Rule 7 governs these motions, which include discovery motions. The local rules can be found at www.metrokc.gov/kcsccl.

Motions in Family Law Cases not involving children: Discovery motions to compel, motions in limine, motions relating to trial dates and motions to vacate judgments/dismissals shall be brought before the assigned judge. All other motions should be noted and heard on the Family Law Motions Calendar. King County Local Rule 7 and King County Family Law Local Rules govern these procedures. The local rules can be found at www.metrokc.gov/kcsccl.

Emergency Motions: Emergency motions will be allowed only upon entry of an *Order Shortening Time*. However, emergency discovery disputes may be addressed by telephone call, and without written motion, if the judge approves.

Filing of Documents All original documents must be filed with the Clerk's Office. *The working copies of all documents in support or opposition must be marked on the upper right corner of the first page with the date of consideration or hearing and the name of the assigned judge.* The assigned judge's working copy must be delivered to his/her courtroom or to the judges' mailroom. Do not file working copies with the Motions Coordinator, except those motions to be heard on the Family Law Motions Calendar, in which case the working copies should be filed with the Family Law Motions Coordinator.

Original Proposed Order: Each of the parties must include in the working copy materials submitted on any motion an original proposed order sustaining his/her side of the argument. Should any party desire a copy of the order as signed and filed by the judge, a preaddressed, stamped envelope shall accompany the proposed order.

Presentation of Orders: All orders, agreed or otherwise, must be presented to the assigned judge. If that judge is absent, contact the assigned court for further instructions. If another judge enters an order on the case, counsel is responsible for providing the assigned judge with a copy.

Proposed orders finalizing settlement and/or dismissal by agreement of all parties shall be presented to the assigned judge or in the Ex Parte Department. Formal proof in Family Law cases must be scheduled before the assigned judge by contacting the bailiff, or formal proof may be entered in the Ex Parte Department. If final orders and/or formal proof are entered in the Ex Parte Department, counsel is responsible for providing the assigned judge with a copy.

C. Form: Memoranda/briefs for matters heard by the assigned judge may not exceed twenty four (24) pages for dispositive motions and twelve (12) pages for nondispositive motions, unless the assigned judge permits over-length memoranda/briefs in advance of filing. Over-length memoranda/briefs and motions supported by such memoranda/briefs may be stricken.

IT IS SO ORDERED. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDER MAY RESULT IN DISMISSAL OR OTHER SANCTIONS. PLAINTIFF/PETITIONER SHALL FORWARD A COPY OF THIS ORDER AS SOON AS PRACTICABLE TO ANY PARTY WHO HAS NOT RECEIVED THIS ORDER.



PRESIDING JUDGE

Exhibit 3

Verification of State Court Records
Janice Lowe v. City of Seattle and Officer David Dunn

FILED

2007 APR 19 PM 12:57

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
COUNTY OF KING

JANICE LOWE,

Plaintiff,

v.

CITY OF SEATTLE and D. DUNN, Seattle Police
Officer,

Defendants.

NO. 07-2-11484-0 SEA

SUMMONS

TO: THE STATE OF WASHINGTON

A lawsuit has been started against you in the above-entitled Court by Janice Lowe, Plaintiff. Plaintiff's claims are stated in a written complaint, a copy of which is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the Complaint by stating your defense in writing and serve a copy upon the undersigned attorney for the Plaintiff within 20 days after the service of this Summons, excluding the day of service, or within 60 days after the service of this Summons if served outside the State of Washington, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where the Plaintiff is entitled to what he asks for because you have not responded. If you serve a notice of appearance on the undersigned attorney, you are entitled to notice before a default judgment may be entered.

You may demand that the Plaintiff file this lawsuit with the Court. If you do so, the demand must be in writing and must be served upon the Plaintiff. Within 14 days after you serve the demand, the Plaintiff must file this lawsuit with the Court, or the service on you of this Summons and Complaint will be void.

If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.

SUMMONS - 1 -

ORIGINAL

LAW OFFICE OF
CHARLES S. HAMILTON III
1325 4TH AVENUE, SUITE 940
SEATTLE, WASHINGTON 98101-2509
TEL: (206)623-6619 FAX: (206)448-0573

1 This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State
2 of Washington.

3 DATED this 17th day of April, 2007.

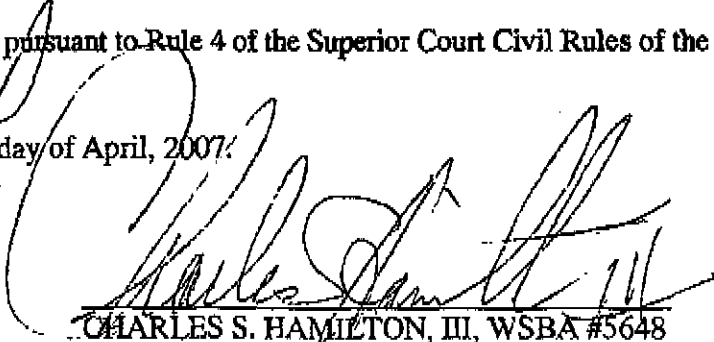
4
5 
6 CHARLES S. HAMILTON, III, WSBA #5648
7 Attorney for Plaintiff
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Exhibit 4

Verification of State Court Records
Janice Lowe v. City of Seattle and Officer David Dunn

FILED

2007 APR 27 PM 2:09

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

**SUPERIOR COURT, IN AND FOR THE COUNTY OF KING, STATE OF
WASHINGTON**

JANICE LOWE

Plaintiff/Petitioner

Cause #: 07-2-11484-0
SEA

vs.
CITY OF SEATTLE AND D DUNN, SEATTLE
POLICE OFFICER

Defendant/Respondent

Declaration of Service of:

SUMMONS AND COMPLAINT FOR DAMAGES; ORDER
SETTING ORIGINAL CIVIL CASE SCHEDULE

Hearing Date:

Declaration:

The undersigned hereby declares: That s(he) is now and at all times herein mentioned, a citizen of the United States and a resident of the State of Washington, over the age of eighteen, not an officer of a plaintiff corporation, nor a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the date and time of Apr 23 2007 10:30AM at the address of 600 FOURTH AVE 7TH FLOOR SEATTLE, within the County of KING, State of WASHINGTON, the declarant duly served the above described documents upon CITY OF SEATTLE by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with ALLISON SCHWARTZ, SECRETARY IN THE OFFICE OF THE MAYOR.

No information was provided that indicates that the subjects served are members of the U.S. military.

I hereby declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated: April 26, 2007 at Seattle, WA

by


J. Bradford

Service Fee Total: \$ 49.85

ABC Legal Services, Inc.
206 521-9000
Tracking #: 4795843



**ORIGINAL
PROOF OF SERVICE**

Hamilton, Charles
1325 4th Ave, #940
Seattle, WA 98101-2509
206 623-6619

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
COUNTY OF KING

JANICE LOWE,

Plaintiff,

v.

CITY OF SEATTLE and D. DUNN, Seattle Police
Officer,

Defendants.

NO. 07-2-11484-0 SEA

SUMMONS

TO: CITY OF SEATTLE

A lawsuit has been started against you in the above-entitled Court by Janice Lowe, Plaintiff. Plaintiff's claims are stated in a written complaint, a copy of which is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the Complaint by stating your defense in writing and serve a copy upon the undersigned attorney for the Plaintiff within 20 days after the service of this Summons, excluding the day of service, or within 60 days after the service of this Summons if served outside the State of Washington, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where the Plaintiff is entitled to what he asks for because you have not responded. If you serve a notice of appearance on the undersigned attorney, you are entitled to notice before a default judgment may be entered.

You may demand that the Plaintiff file this lawsuit with the Court. If you do so, the demand must be in writing and must be served upon the Plaintiff. Within 14 days after you serve the demand, the Plaintiff must file this lawsuit with the Court, or the service on you of this Summons and Complaint will be void.

If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.

SUMMONS - 1

LAW OFFICE OF
CHARLES S. HAMILTON III
1325 4TH AVENUE, SUITE 940
SEATTLE, WASHINGTON 98101-2509
TEL: (206) 623-6619 FAX: (206) 448-0573

Exhibit 5

Verification of State Court Records
Janice Lowe v. City of Seattle and Officer David Dunn

RECEIVED

The Honorable Cheryl Carey

07 MAY -1 PM 12:32

SUPERIOR COURT CLERK
SEATTLE, WA

SUPERIOR COURT OF WASHINGTON
IN AND FOR COUNTY

JANICE LOWE,

Plaintiff,

v.

CITY OF SEATTLE and D. DUNN, Seattle
Police Officer,

Defendants.

NO. 07-2-11484-0 SEA

NOTICE OF APPEARANCE FOR
CITY AND DUNN

[CLERK'S ACTION REQUIRED]

LAW OFFICES

May 13 2007

TO: The Clerk of the Above-Entitled Court

AND TO: Plaintiff and his counsel of record

RECEIVED

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that Defendants CITY
OF SEATTLE and SEATTLE POLICE DEPARTMENT hereby appear in the above-entitled
action without waiving the questions of:

1. Lack of jurisdiction over the subject matter;
2. Lack of jurisdiction over the person;
3. Improper venue;
4. Insufficiency of process;
5. Insufficiency of service of process;

6. Failure to state a claim upon which relief may be granted; and

7. Failure to join a party under Rule 19.

YOU ARE FURTHER NOTIFIED that all further papers and pleadings herein, excepting original process, shall be served upon the undersigned attorneys at the address stated below.

DATED this 30th day of April, 2007.

STAFFORD FREY COOPER

By: 

Stephen P. Larson, WSBA #4959

Thomas P. Larkin, WSBA #32990

Attorneys for Defendants

Certificate of Service

The undersigned certifies under the penalty of perjury according to the laws of the United States and the State of Washington that on this date I caused to be served in the manner noted below a copy of this document entitled NOTICE OF APPEARANCE FOR CITY OF SEATTLE and D. DUNN, upon:

Charles S. Hamilton, III
1325 Fourth Avenue, Suite 940
Seattle, Washington 98101-2509
Attorney for Plaintiff

☐ Via Facsimile
☐ Via First Class Mail
☒ Via Messenger

DATED this 30th day of April, 2007 at Seattle, Washington.


Michelle M. Newkirk

Exhibit 6

Verification of State Court Records
Janice Lowe v. City of Seattle and Officer David Dunn

WASHINGTON COURTS

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Superior Court Case Summary

Court: King Co Superior Ct
Case Number: 07-2-11484-0

| Sub | Docket Date | Docket Code | Docket Description | Misc Info |
|-----|-------------|-------------------|---|------------------|
| 1 | 04-06-2007 | CMP | Complaint | |
| 2 | 04-06-2007 | *ORSCS JDG0002 | Set Case Schedule Judge Cheryl Carey, Dept 2 | 09-22- 2008ST |
| 3 | 04-06-2007 | CICS LOCS | Case Information Cover Sheet Original Location - Seattle | |
| 4 | 04-19-2007 | SM | Summons | |
| 4A | 04-27-2007 | AFSR | Affidavit/dclr/cert Of Service | |
| 5 | 05-01-2007 | NTAPR | Notice Of Appearance /defts | |

About Dockets

You are viewing the case docket or summary. Each Court level uses different terminology for this information, but at court levels, it is a list of activities or documents related to the case. District municipal court dockets tend to include case details, while superior court docket themselves to official documents and related to the case.

If you are viewing a district municipal appellate court docket, you may be able to see future court appearances or case dates if there are any. Since superior court generally calendar their caseloads on systems, this search tool cannot display superior court calendaring information.

Contact Information

King Co Superior Ct
516 3rd Ave, Rm C-203
Seattle, WA 98104-2361
Map & Directions
206-296-9100[Phone]
206-296-0986[Fax]
Visit Website
206-205-5048[TDD]

Disclaimer

This information is provided for use as reference material and is not the official record. The official court record is maintained by the **court of record**. Copies of court documents are not available at this location and will need to be ordered from the court record.

The Administrative Office of the Courts of Washington State Courts, and the Washington State County Clerks : 1) Do not warrant the information is accurate or complete. Make no representations regarding the identity of any person whose names appear in this court case and name search; or